

**CITY OF PALMETTO  
CITY COMMISSION MEETING  
December 17, 2018  
7:00 PM**

**ELECTED OFFICIALS PRESENT:**

Shirley Groover Bryant, Mayor  
Jonathan Davis, Vice Mayor, Commissioner-at-Large 1  
Tamara Cornwell, Commissioner-at-Large 2  
Harold Smith, Commissioner, Ward 1  
Tambra Varnadore, Commissioner, Ward 2  
Brian Williams, Commissioner, Ward 3

**STAFF PRESENT:**

Mark Barnebey, City Attorney  
Jeff Burton, CRA Director  
Jim Freeman, City Clerk  
Allen Tusing, Director of Public Works  
Scott Tyler, Chief of Police  
Amber LaRowe, Assistant City Clerk

Mayor Bryant called the meeting to order at 7:00 p.m., followed by a moment of silence and the Pledge of Allegiance.

All persons intending to address the City Commission were duly sworn.

Recognition: Mayor Bryant announced that Fletch Mobley was chosen as Employee of the Year for 2018. The finalists were Grace Johnson, Employee of the First Quarter, Scott Vander Molen, Employee of the Second Quarter, Dan Bull, Employee of the Third Quarter, and Fletch Mobley, Employee of the Fourth Quarter.

**1. CITY COMMISSION AGENDA APPROVAL**

Mayor Bryant requested that the Pinzon Convention Center Agreement from today's Workshop be added to tonight's Agenda as item 7.A.

**Motion: Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to approve the December 17, 2018 Commission Agenda with the addition of item 7.A.**

**2. PUBLIC COMMENT**

Anne Marshall, City resident, thanked Public Works for their hard work.

**3. CONSENT AGENDA APPROVAL**

A. Mayor's Office

1. 2019 Outside Board Appointments
2. Mayor Letter of Support Housing Authority

B. City Clerk's Office

1. Special Function Permits:
  - a. 2019 Seafood Festival

- b. Tanya Clavey Memorial Car Show
- c. 2019 B&B Weddings
- 2. November 5, 2018 Minutes
- 3. Resolution 2018-43 Joint Meeting with Manatee County
- 4. Resolution 2018-45 Half Cent Sales Tax Budget

Item A.2. was removed for discussion.

Karla Owens, Development Services Director, explained that the letter is for support to the Manatee County Housing Finance Authority for their proposed affordable senior housing project. The proposed project has two parcels that are in the boundaries of the City of Palmetto and the City is in support of this being developed for senior citizens.

Rob Bell, representing the Hernando DeSoto Society, spoke regarding the Seafood Festival Special Function Permit for 2019. He explained that he would like to resubmit to use Sutton Park instead of Riverside Park West as indicated in the packet as attached to the Agenda.

Mr. Freeman addressed a minor correction to Resolution 2018-45. He said that in Section 6 of the Resolution, the amount should be \$57,000 not \$49,376.

**Motion: Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to approve the December 17, 2018 Consent Agenda with the removal of item 3.B.1.a. and a modification to item 3.B.4.**

#### 4. PUBLIC HEARING ORDINANCE 2018-31 GENERAL DEVELOPMENT PLAN PINZON

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, PROVIDING FOR FINDINGS OF FACT; APPROVING ADOPTION OF A GENERAL DEVELOPMENT PLAN AS DESCRIBED HEREIN FOR A MULTIPLE USE, PLANNED DEVELOPMENT CONTAINING AN EIGHT STORY, 251 ROOM HOTEL INCLUDING A ROOF TOP LOUNGE AND RESTAURANT, AND TWO OUTPARCELS, ONE CONTAINING UP TO 7,500 SQUARE FEET OF RESTAURANT/OFFICE/RETAIL, AND ONE OUTPARCEL CONTAINING RESTAURANT/OFFICE/RETAIL AND/OR UP TO A 124 ROOM HOTEL ON A 12.53 ACRE TOTAL PLANNED DEVELOPMENT SITE GENERALLY LOCATED AT THE NORTHEAST CORNER OF U.S. 41 NORTH AND 7<sup>TH</sup> STREET WEST IN PALMETTO; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE. (PINZON/CONVENTION CENTER PROPERTY)

Mayor Bryant opened the public hearing.

Mrs. Owens provided a brief background on the discussions that have been had regarding this Ordinance. Tony DeRusso, BACC Hotel, LLC, has purchased this 12.53 acre parcel adjacent to the Convention Center and proposed to construct an eight story, 251 room hotel with a roof top lounge, full service restaurant, and temporary event open space on approximately 8.26 acres of the total property acreage. This full service hotel portion is designated as Parcel 1. It is intended that the other two outparcels will be reviewed and developed individually at a later date with retail, office, restaurant, and/or additional hotel uses. The developer has stated on the General Development Plan (GDP) his intention to plate the entire parcel into three separate parcels by December 2020. Since future development of Parcels 2 and 3 are unknown at this time, the detail for those parcels has been removed. Each outparcel shall be subsequently submitted as individual, stand-alone parcels and processed as a non-substantial amendment to the PD-MU pursuant to the Palmetto Code.

Mrs. Owens stated that the developer has submitted an amended GDP for this property with a request of four deviations as follows:

1. A DEVIATION FROM SECTION 8.5(A)(1) OF APPENDIX B OF THE PALMETTO CODE OF ORDINANCES AS APPROVED TO REDUCE PERIMETER SETBACKS ON PARCEL 1 FROM 35 FEET TO ALLOW
  - a. ZERO SETBACK ON THE SOUTHEAST CORNER TO PROVIDE FOR A COVERED WALKWAY ENCLOSURE FOR A WEATHER PROOF CONNECTION FROM THE SOUTH END OF THE HOTEL TO THE EXISTING CONVENTION CENTER NORTH ACCESS
  - b. TEN FOOT SETBACK FOR THE HOTEL BUILDING FROM THE SOUTH PARCEL BOUNDARY
  - c. A TEN FOOT SETBACK FOR THE HOTEL FROM THE EAST PROPERTY BOUNDARY
2. A DEVIATION FROM SECTION 8.5(A)(1) OF APPENDIX B OF THE PALMETTO CODE OF ORDINANCES AS APPROVED TO REDUCE PERIMETER SETBACKS FROM 35 FEET TO ALLOW A ZERO BUILDING SETBACK FOR THE EAST AND SOUTH PARCEL BOUNDARIES FOR PARCEL 2
3. A DEVIATION FROM SECTION 8.5(A)(1) OF APPENDIX B OF THE PALMETTO CODE OF ORDINANCES AS APPROVED TO REDUCE PERIMETER SETBACKS FROM 35 FEET TO ALLOW A 15 FOOT SETBACK FROM THE EAST AND NORTH PROPERTY BOUNDARIES FOR PARCEL 3
4. A DEVIATION FROM SECTION 8.5(A)(1) OF APPENDIX B OF THE PALMETTO CODE OF ORDINANCES AS APPROVED TO REDUCE SETBACKS FOR STRUCTURES OVER 35 FEET IN HEIGHT FROM 45 ADDITIONAL FEET TO THE SETBACKS DESCRIBED IN NUMBER THREE ABOVE.

The following stipulations are also submitted as part of the GDP:

1. THIS APPROVAL SHALL APPLY TO THE DEVELOPMENT AS DEPICTED ON EXHIBIT "B" ATTACHED HERETO. FOR THE PURPOSES OF THIS ORDINANCE, PARCELS 2 AND 3 ARE DEPICTED AS OUTPARCELS. EACH OUTPARCEL SHALL BE SUBSEQUENTLY SUBMITTED AS INDIVIDUAL, STAND-ALONE PARCELS AND PROCESSED AS A NON-SUBSTANTIAL AMENDMENT TO THE PD-MU AS SET FORTH IN THE PALMETTO CITY CODE, APPENDIX B, SECTION 8.8 (B), SO LONG AS THE PROPOSED SITE PLANS ARE IN COMPLIANCE WITH SETBACKS, PARKING AND THE LANDSCAPE PLAN AS SUBMITTED AND APPROVED IN THE CONCEPTUAL PLAN FOR THIS PROJECT AS SET FORTH IN ORDINANCE NO. 2018-24; AND
2. THE TOTAL AMOUNT OF PARKING SPACES CURRENTLY SHOWS ON PARCEL 1 IS 384 SPACES WHICH REPRESENTS AN EXCESS OF PARKING REQUIRED PURSUANT TO CHAPTER 28, PALMETTO CITY CODE. THE APPLICANT/DEVELOPER WILL BE ALLOWED TO APPLY ANY EXCESS PARKING ON PARCEL 1 TOWARD PARKING REQUIREMENTS OF THE OTHER PARCELS. USE OF PARCEL 2 IS APPROVED FOR UP TO 7500 SQUARE FEET OF RETAIL, OFFICE, OR RESTAURANT, AND USE OF PARCEL 3 IS APPROVED FOR UP TO 7500 SQUARE FEET OF RETAIL, OFFICE, RESTAURANT, OR UP TO A 124 ROOM HOTEL. CROSS-PARKING AND ACCESS AGREEMENTS/EASEMENT SHALL BE EXECUTED PRIOR TO SEVERANCE OF OWNERSHIP OF THE PARENT PARCEL OR PRIOR TO SITE PLAN APPROVAL FOR PARCEL 2 OR PARCEL 3. SAID CROSS PARKING AND ACCESS DOCUMENTS SHALL BE IN A FORM ACCEPTABLE TO THE CITY ATTORNEY; AND
3. ALL SIGNAGE WILL BE APPROVED BY SEPARATE BUILDING PERMIT; AND
4. PRIOR TO APPROVAL OF ANY CONSTRUCTION PLANS OR ISSUANCE OF BUILDING PERMITS FOR ANY PARCEL, A TRAFFIC STUDY MUST BE SUBMITTED TO AND EVALUATED BY THE CITY, AS APPLICABLE, TO PROPERLY DETERMINE AND ADDRESS IMPACTS TO THE AREA TRANSPORTATION SYSTEM; AND
5. REVIEW AND SUBSEQUENT APPROVAL OF CONSTRUCTION PLANS FOR EACH PARCEL SHALL ALSO BE SUBJECT TO REVIEW AND COMMENT BY MANATEE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, AS APPLICABLE; AND
6. ALL LANDSCAPE BUFFERS SHALL BE CONSTRUCTED AND MAINTAINED BY THE APPLICANT AS DEPICTED ON THE GENERAL DEVELOPMENT PLAN AND SO AS TO MEET THE REQUIREMENTS OF SECTIONS 7-216 THROUGH 7-222 OF THE PALMETTO CODE OF ORDINANCES. ENTRYWAY LANDSCAPING ALONG U.S. 41

SHALL BE SUBSTANTIALLY SIMILAR TO THAT DEPICTED IN EXHIBIT "C" ATTACHED HERETO AND INCORPORATED HEREIN. LANDSCAPING FOR EACH PARCEL NOT OTHERWISE DEPICTED, WILL BE REVIEWED SEPARATELY AND MUST BE COMPLETED PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION FOR THAT PARCEL; AND

7. THE DEVELOPER SHALL BE RESPONSIBLE TO PROVIDE AND CONSTRUCT A TEN (10) FOOT WIDE, PUBLIC MULTI-MODAL TRAIL ALONG THE U.S. 41/301 FRONTAGE OF THE PROPERTY ALONG U.S.41/301, AND ALONG THE LENGTH OF 7TH STREET AND 7TH STREET EXTENSION TO THE INTERSECTION OF HABEN BOULEVARD AND 7TH STREET WEST. THE MULTI-MODAL TRAIL SHALL BE DESIGNED AND CONSTRUCTED PURSUANT TO CITY STANDARDS AS APPROVED BY THE PUBLIC WORKS DIRECTOR. SIDEWALKS/TRAILS SHALL BE COMPLETED FOR EACH PARCEL PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR FINAL INSPECTION ON THAT PARCEL; AND
8. THE BUILDING ELEVATION FOR THE HOTEL AND RELATED FACILITIES ON PARCEL 1 SHALL BE SUBSTANTIALLY SIMILAR TO THAT DEPICTED IN EXHIBIT "D" ATTACHED HERETO AND INCORPORATED HEREIN; AND
9. THE APPROVED GENERAL DEVELOPMENT PLAN AND THESE STIPULATIONS SHALL RUN WITH THE LAND, AND SHALL BE APPLICABLE TO THE APPLICANT/DEVELOPER, AND THEIR SUCCESSORS IN INTEREST; AND
10. THE GENERAL DEVELOPMENT PLAN COVER SHEET SHALL BE REVISED TO REFLECT ANY DEVIATIONS AS APPROVED BY THE CITY COMMISSION; AND
11. THE APPLICANT/DEVELOPER ACKNOWLEDGES THAT APPROVAL OF THIS GENERAL DEVELOPMENT PLAN DOES NOT ESTABLISH VESTED RIGHTS WITH RESPECT TO CONSTRUCTION OF THE PROJECT. FURTHER, AN APPEAL MAY BE FILED AGAINST THE DECISION OF THE CITY COMMISSION WITHIN THIRTY (30) DAYS OF THE DATE OF THIS APPROVAL. ANY DEVELOPMENT THAT TAKES PLACE WITHIN THE THIRTY (30) DAY APPEAL DEADLINE SHALL NOT ESTABLISH VESTED RIGHTS WITH RESPECT TO CONSTRUCTION OF THE PROJECT; AND
12. THIS APPROVAL SHALL EXPIRE THREE (3) YEARS FROM THE DATE OF APPROVAL OF THIS GENERAL DEVELOPMENT PLAN BY THE CITY COMMISSION IF A COMPLETED APPLICATION FOR CONSTRUCTION/FINAL SITE PLAN IS NOT SUBMITTED TO THE CITY WITHIN THAT THREE (3) YEAR PERIOD. TWO (2), ONE (1) YEAR EXTENSIONS MAY BE REQUESTED AND GRANTED BY THE DIRECTOR OF PUBLIC WORKS OR HIS DESIGNEE, IF APPROPRIATE; AND
13. UNLESS SPECIFICALLY ALTERED HEREIN, THE APPLICANT/DEVELOPER SHALL OTHERWISE COMPLY WITH ALL REQUIREMENTS SET FORTH IN THE PALMETTO CODE OF ORDINANCES. DEVELOPMENT OF THE PROJECT SHALL FOLLOW THE GENERAL DEVELOPMENT PLAN AS APPROVED BY THE CITY COMMISSION AND AS MAY BE SUBSEQUENTLY AMENDED BY THE CITY COMMISSION; AND
14. ALL EXTERIOR LIGHTING ON ALL PARTS OF THE GENERAL DEVELOPMENT PLAN SHALL COMPLY WITH CPTED REQUIREMENTS AS APPROVED BY THE PALMETTO POLICE DEPARTMENT.

Bob Gause, Gause and Associates, displayed a few conceptual drawings and maps as it relates to this project.

In regards to Stipulation 7, Mrs. Owens will reword it to say “the developer shall be responsible to provide and construct a ten (10) foot wide, public multi-modal trail along the U.S. 41/301 frontage of the property, and along the length of 7<sup>th</sup> Street and 7<sup>th</sup> Street Extension to the extent of the subject property and to the intersection of Haben Boulevard and 7<sup>th</sup> Street West. The multi-modal trail shall be designed and constructed pursuant to City standards as approved by the Public Works Director. Sidewalks/trails shall be completed for each parcel prior to issuance of a certificate of occupancy or final inspection on that parcel.”

Mayor Bryant closed the public hearing after hearing no public comment.

Attorney Barnebey will be rewording Stipulation 8 to say “the building elevation for the hotel and related facilities on Parcel 1 shall be substantially similar or superior to that depicted in Exhibit “D” attached hereto and incorporated herein.”

Mr. DeRusso informed the Commission that the design or “look” of the hotel should be completed in January.

**Motion:** Based upon the staff report, the comments made at the public hearing and finding the request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 move to adopt Ordinance No. 2018-31 with stipulations and deviations as set forth.

#### 5. PUBLIC HEARING ORDINANCE 2018-30 REZONE

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA REZONING APPROXIMATELY .27 ACRES OF PROPERTY GENERALLY LOCATED AT 819 7<sup>TH</sup> STREET WEST, PALMETTO, FLORIDA, FROM RM-6 TO CN, NEIGHBORHOOD COMMERCIAL, AND AS MORE PARTICULARLY DESCRIBED IN THIS ORDINANCE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE. (MANGO TREE GROUP, LLC).

Mayor Bryant opened the public hearing.

Mrs. Owens explained that the subject property contains .27 acres and is located three parcels west of 8<sup>th</sup> Avenue on 7<sup>th</sup> Street West and will be immediately adjacent to the west of the new Circle K Convenience store. The property immediately to the west of the subject parcel is zoned RM-6, multi-family residential and currently consists of a single family home on two lots. The property to the east and the south of the subject parcel is zoned CG, Business and Light Commercial and is the location of the proposed Circle K. The property located on the southwest side of the subject property is zoned RM-6 and contains a small multi-family housing unit. Across 7<sup>th</sup> Street is the intersection of 9<sup>th</sup> Avenue and the 6.4 acre parcel of vacant land zoned P, Public. This whole area for several blocks surrounding the subject property has a future land use designation of GCOM, General Commercial or HCOMIND, Heavy Commercial, Light Industrial.

Mrs. Owens stated that staff is recommending a rezoning to CN, Neighborhood Commercial to allow the applicant to remodel and convert the existing structure for office/personal service use. The CN district requires a minimum lot area of 10,000 square feet and a minimum lot width of 100 feet. The subject parcel contains 11,657 square feet but only has 50 feet of lot frontage since it is a previously platted lot. This block of the City is part of the 1913 Lamb’s Plat of McNabb’s Subdivision and this parcel is, therefore, a non-conforming lot of record. Per the survey submitted with this application, setbacks for the existing structure are in compliance with the requirements for the CN district. During subsequent site plan/building permit review for the redevelopment of this parcel, the applicant will be mandated to ensure adequate off-street parking pursuant to Code requirements as well as to include additional buffering from any abutting non-commercial uses. The Planning and Zoning Board met on this Ordinance and voted unanimously to recommend adoption.

After hearing no public comment, Mayor Bryant closed the public hearing.

**Motion:** Based upon the staff report, the comments made at the public hearing and finding this request to be consistent with the City of Palmetto Comprehensive Plan, Commissioner Davis moved, Commissioner Smith seconded, and the motion carried 5-0 to adopt Ordinance No. 2018-30.

#### 6. MASTER AGREEMENT FOR DEMAND SIDE MANAGEMENT AND ENERGY EFFICIENCY SERVICES

This item was discussed at today’s 4:30 p.m. Workshop.

**Motion:** Commissioner Williams moved, Commissioner Davis seconded, and the motion carried 5-0 to authorize the Mayor to execute the Master Agreement for Demand Side Management and Energy Efficient Services with FPL Service Inc.

7. NOVEMBER CHECK REGISTER (Informational Only)

7.A. Civic Center Hotel Agreement (ADDED TO THE AGENDA)

Attorney Barnebey expressed his concerns with the ability to get a franchise hotel to buy into the naming of the hotel as a few of the Commissioners had indicated earlier during today's Workshop meeting.

Discussion regarding the naming rights of the hotel. A few of the Commissioners expressed strong opinions opposing the naming having "Bradenton Area" anywhere in the name at all.

Discussion continued regarding the date for Manatee County and the City of Palmetto to enter into an agreement in regards to the right-of-way for the 7<sup>th</sup> Street extension. Commissioner Williams is in favor of not having a date in the Agreement at all. Discussion continued with Commissioner Varnadore echoing Commissioner Williams' comments.

In regards to the damage clause of Section 11.2.2, the Commission would like to see it more than \$100.00 per day. Attorney Barnebey suggested \$260.00 per day and the Commission appeared to agree with that.

Changes will be made to the Agreement and brought forward to the January meeting.

**STANDING AGENDA ITEMS:**

---

8. TRAFFIC UPDATE

9. PALMETTO POOL UPDATE

10. POLICE DEPARTMENT BUILDING UPDATE

**COMMENTS:**

---

11. DEPARTMENT HEADS' COMMENTS

**CHIEF TYLER**—thanked the Commission for their approval of tonight's Resolutions for the use of the half cent sales tax dollars.

The Police Department is preparing for the upcoming winter break when schools are closed.

**ATTORNEY BARNEBEY**—discussed with the Commission that tomorrow is the closing for the Grower's Hardware contract. The CRA/City is in need of an extension to continue the environmental study and, as of today, no extension has been granted. He would like authorization to terminate the Contract if no extension is given.

**Motion:** Commissioner Cornwell moved, Commissioner Williams seconded, and the motion carried 5-0 to agree with the Attorney’s assessment and authorize the termination of the Contract on the Grower’s Hardware property if the extension is not granted.

12. MAYOR’S REPORT

Mayor Bryant thanked Commissioner Cornwell, Commissioner Davis, and Mr. Freeman for the gifts. She complimented the Employee Appreciation Party from last week, saying it was well attended, beautifully decorated, and a good time.

13. COMMISSIONERS’ COMMENTS

**COMMISSIONER VARNADORE**—wished everyone a Happy Holidays.

**COMMISSIONER DAVIS**—informed everyone that the Tampa Bay Regional Planning Council voted in new officers.

**COMMISSIONER CORNWELL**—discussed the start of the Fair next month.

Mayor Bryant adjourned the meeting at 9:00 p.m.

MINUTES APPROVED: February 4, 2019

*James R. Freeman*

JAMES R. FREEMAN  
CITY CLERK